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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JAMES AND KATHERINE WIRTH,  
10 o.b.o. M.W.,

11 Plaintiffs,

12 v.

13 CAROLYN W. COLVIN, Acting  
14 Commissioner of Social Security,

15 Defendant.

Case No. C13-2154-MJP-JPD

ORDER GRANTING PLAINTIFFS'  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS*

16 This matter was re-referred to the undersigned by the Honorable Marsha J. Pechman on  
17 January 13, 2014. Dkt. 6. On November 27, 2013, plaintiffs filed an application to proceed *in*  
18 *forma pauperis* ("IFP"). Dkt. 1. On December 6, 2013, the Court issued a Report and  
19 Recommendation denying plaintiffs' application to proceed IFP based upon a finding that  
20 "Plaintiffs' IFP application indicates that James Wirth is currently employed and earns a net  
21 salary of approximately \$52,800 per year, in addition to approximately \$55,000 per year from  
22 other 'business, profession, or other self-employment.'" Dkt. 4 at 1.

23 Plaintiffs filed written objections to the Report and Recommendation on January 2,  
24 2014, asserting that "[i]t has been erroneously noted that the income of the Wirth household is  
25 \$107,800 per year . . . the actual income is approximately \$55,000 per year. Received child  
26 support payments are in addition to this amount." Dkt. 5 at 1. Thus, it appears that plaintiffs

1 had mistakenly over-reported their income on the IFP form. On January 13, 2014, the Chief  
2 Judge Pechman re-referred this matter, and asked the undersigned “for a reconsideration of the  
3 application in light of Plaintiffs’ objections.” Dkt. 6.<sup>1</sup>

4 The Court, having reviewed plaintiffs’ objections and the balance of the record, does  
5 hereby find and Order as follows:

6 (1) Plaintiff’s application to proceed IFP, Dkt. 1, is GRANTED. Plaintiffs do not  
7 appear to have funds available to afford the \$400.00 filing fee.

8 (2) Plaintiffs are advised that there are many attorneys representing clients on a  
9 contingency fee basis in social security appeals. This appeal involves important legal rights as  
10 to which an attorney might be helpful to plaintiffs. If plaintiffs would like an extension of time  
11 to locate and retain such counsel, they must file a motion requesting such an extension by **no**  
12 **later than January 31, 2014.** If no such motion is filed, the Court will presume that plaintiffs  
13 wish to represent themselves in this case.

14 (3) The Clerk is directed to send a copy of this Order to plaintiffs. The Clerk is  
15 further directed to send to plaintiffs a copy of the Notice of Initial Assignment and Consent to  
16 Proceed before a United States Magistrate Judge.

17 DATED this 16th day of January, 2014.

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20 JAMES P. DONOHUE  
21 United States Magistrate Judge  
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25 <sup>1</sup> Although Chief Judge Pechman re-referred this matter “for the issuance of a further  
26 R&R,” the undersigned finds an order most appropriate under the circumstances because the  
Court is no longer recommending that plaintiffs’ request for IFP status be denied.